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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JULIUS CZUDAR,  
  
                                Plaintiff,  
  
                vs.  
  
PRO-VIGIL, INC., a foreign Corporation  
headquartered in Texas,  
  
                                Defendant.

Case No.: 2:19-cv-01784-GMN-NJK

**ORDER TO  
EXTEND DISCOVERY AND  
DISPOSITIVE MOTION  
DEADLINES**

**(Sixth Request)**

IT IS HEREBY STIPULATED by and between Plaintiff Julius Czudar (“Plaintiff”), through his counsel Mullins & Trenchak, Attorneys at Law, and Defendant Pro-Vigil, Inc., (“Defendant”) and (collectively referred to as the “Parties”), by and through their respective counsel of record, hereby stipulate to extend the deadline to complete discovery and file dispositive motions in this case, and agree as follows:

1. On February 28, 2020, this Court entered an Order granting the parties first request to extend the Discovery Plan and Scheduling Order. [ECF #21]
2. On July 23, 2020, this Court entered an Order granting the parties second request for extension and extended all Discovery Deadlines by 120 days. [ECF #34]
3. On November 23, 2021, this Court entered an Order granting the parties third request to extend the Discovery Plan and Scheduling Order [ECF No. 38]

1           4.       On February 18, 2021, this Court entered an Order granting the parties fourth request  
2 to extend the Discovery Plan and Scheduling Order [ECF No. 43]

3           5.       On April 26, 2021, this Court entered an Order granting the parties fifth request to  
4 extend the Discovery Plan and Scheduling Order [ECF No. 47]

5           6.       This is the sixth request by the parties to amend the Court's February 28, 2020  
6 Scheduling Order.

7           7.       The parties stipulated and agreed to extend the discovery and dispositive motion  
8 deadlines for thirty (30) days as necessary to allow for completion of witness depositions.

9           8.       The parties have been diligent but given the pandemic there have been mandated  
10 closures, witnesses are unavailable and/or have limited availability, there has been remote and/or  
11 limited access to information, and counsel for the parties have both had medical issues.

12           9.       Plaintiff's Counsel's office had a case of Covid-19 on his staff which necessitated a  
13 second shutdown of his business operations which followed the initial shutdown.

14           10.      The parties were forced to continue the initial ENE session because Plaintiff's  
15 Counsel was hospitalized for four (4) days with shortness of breath.

16           11.      The ENE session was extended until May 20, 2020, in an attempt to resolve the  
17 underlying lawsuit without necessitating the need for further litigation.

18           12.      Plaintiff's Counsel had surgery on September 3, 2020.

19           13.      The surgery left Counsel in a cast for nine (9) weeks.

20           14.      Plaintiff's Counsel was unable to walk without the assistance of crutches through  
21 the month of December, 2020.

22           15.      This unforeseen medical emergency created additional delays in answering written  
23 discovery and working with Plaintiff.

24           16.      Plaintiff's Counsel was forced to close his office in December once again because  
25 of a positive Covid-19 test by someone that lives in his home.

26           17.      Plaintiff's Counsel suffered delays in his other litigation and the immediate case at  
27 hand.  
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1           18. Defendant scheduled the deposition of Plaintiff to occur on April 30, 2021.  
2 However the deposition had to be postponed as Plaintiff tested positive for Covid and has just  
3 recently tested negative.

4           19. Plaintiff anticipates taking the deposition of Jeremy White and Megan Berg, but due  
5 to his illness was not able to participate in the deposition as anticipated.

6           20. Additionally, Defendant's undersigned counsel recently provided notice that she is  
7 leaving Jackson Lewis and Defendant needs time to transition its file.

8           21. This Request is not for the purpose of delay and is made in good faith.

9           **STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

10          Plaintiff served the following disclosures:

- 11          a. Initial Disclosures on March 7, 2020;
- 12          b. First Supplemental Disclosures on March 17, 2020.
- 13          c. Second Supplemental Disclosures on October 9, 2020.

14          Plaintiff served the following discovery requests:

- 15          a. First Set of Interrogatories on April 16, 2020.
- 16          b. First Set of Request for Production of Documents on April 16, 2020.
- 17          c. Supplemental Request for Production on March 29, 2021.
- 18          d. Supplemental Set of Plaintiff's Supplemental Interrogatories on March 29, 2021.
- 19          e. Requests for Admission on April 2, 2021.

20          Defendant served the following disclosures:

- 21          a. Initial Disclosures on March 5, 2020;
- 22          b. First Supplemental Disclosures on April 28, 2020.
- 23          c. Second Supplemental Disclosures on October 30, 2020.

24          Plaintiff answered the Discovery Requests:

- 25          a. First Set of Interrogatories on October 9, 2020.
- 26          b. First Request for Production of Documents on October 9, 2020.

27          Defendant served the following discovery requests:

- 28          a. First Set of Interrogatories on June 10, 2020.

1           b.       First Set of Request for Production of Documents on June 10, 2020.

2           Defendant served the following Responses to Discovery:

3           a.       Responses to Interrogatories on October 30, 2020.

4           b.       Responses to Requests for Production of Documents October 30, 2020.

5           The parties jointly:

6           a.       Had a “meet and confer” regarding Discovery responses on December 4, 2020.

7           b.       Discusses the Protective Order on December 4, 2020.

8           c.       Submitted the Protective Order on January 4, 2021.

9           d.       The Court signed the Protective Order on January 4, 2021.

10           **STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

11           Defendant plans to conduct Plaintiff’s deposition and Plaintiff plans to depose out of state  
12 witnesses, Jeremy White and Megan Berg. The parties anticipate that thirty (30) days should be  
13 sufficient time to complete discovery and to avoid further request for extensions. For the above  
14 stated reasons, the parties request that the discovery deadline be extended thirty (30) days from  
15 **June 9, 2021 to July 9, 2021.**

16           **PROPOSED SCHEDULE**

17           The parties stipulate and agree that:

18           1.       **Discovery**: The discovery period shall be extended thirty (30) days from **June 9,**  
19 **2021 to July 09, 2021.** The deadline to request an additional extension to the discovery period  
20 shall be **June 18, 2021,** twenty-one (21) days before the scheduled discovery cut-off.

21           2.       **Dispositive Motions**: The parties shall have through and including **August 09,**  
22 **2021,** to file dispositive motions.

23           3.       **Pre-Trial Order**: If no dispositive motions are filed, the Joint Pretrial Order shall  
24 be filed thirty (30) days after the date set for the filing of dispositive motions. Therefore, the Joint  
25 Pretrial order shall be filed no later than **September 8, 2021.** In the event dispositive motions are  
26 filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after  
27 decision on the dispositive motions or by further order of the Court.

4. A trial date has not yet been set in this matter, and no other deadlines are affected by this stipulation.

5. This stipulation and order is sought in good faith and not for the purpose of delay.

Dated this 19<sup>th</sup> day of May, 2021.

MULLINS & TRENCHAK, ATTORNEYS AT LAW JACKSON LEWIS P.C.

*/s/ Philip J. Trenchak*  
 PHILIP J. TRENCHAK, ESQ.  
 Nevada State Bar No. 9924  
 VICTORIA C. MULLINS, ESQ.  
 Nevada State Bar No. 13546  
 1614 S. Maryland Parkway  
 Las Vegas, Nevada 89104

*Attorneys for Plaintiff  
Julius Czudar*

/s/ Lisa A. McClane  
LISA A. MCCLANE, ESQ.  
Nevada Bar No. 10139  
300 S. Fourth Street, Ste. 900  
Las Vegas, Nevada 89101

*Attorneys for Defendant*  
Pro-Vigil, Inc

## ORDER

IT IS SO ORDERED:

United States Magistrate Judge

Dated: May 19, 2021